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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/675,548      | 09/30/2003  | Walter Karl Stavenjord | KEGB:003US          | 5963             |

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EXAMINER

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|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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3637

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/675,548

Applicant(s)

STAVENJORD, WALTER KARL

Examiner

Phi D. A

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Pugh (888530).

Pugh (figure 5) shows a casing system comprising a generally flat first casing piece (20 left) having an outer face, an inner face, a pair of linear side edges (where 34, 24, 22, 32 locate), a pair of linear end edges (where 31, 21, 33 locate), at least one of the linear side edges and at least one of the linear end edges being provided with a continuous decorative profile (the curving and grooves), a second casing piece (20 right) having an outer face, an inner face, a pair of linear side edges (where 34, 24, 22, 32 locate) and a pair of linear end edges (where 31, 21, 33 locate), at least one of the linear end edges being provided with a reverse image of the continuous decorative profile, the first piece being adapted to be joined to the second piece by engagement of the profile of the first piece to the reverse image of the profile of the second piece, both of the linear side edges of the first piece being provided with the decorative profile, both the end edges of the first piece being provided with the decorative profile, at least one of the linear edges of the second piece being provided with the decorative profile, both the linear end edges of the second piece being provided with the reverse image of the profile, at least one linear end edge is milled with the decorative profile and the other linear edge is milled with a reverse with a reverse image of the decorative profile, the decorative profile comprising a sloping surface extending from the upper face to the lower face in at least two stages (per the curve of a and b), each stage (the first

stage being concave, the second stage being convex) of the sloping surface comprising a profile that is a convex profile and a concave profile, the outer face of the first piece having a decorative structure extending outwardly of the side and end edges (part 21 and part 23), at least one additional first casing piece and at least one additional second casing piece (inherently so as the casing piece 20 is lay continuously to cover a large surface), the upper face of the second piece having a decorative structure (where the top of part a is) extending inwardly of the end edges, an end edge of the first piece is adjoined to the end edge of the second piece by means of engagement of the decorative profile milled into the end edge of the first piece with the reverse image of the decorative profile milled into the end edge of the second piece.

3. Claims 1-5, 7-8, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Gascho (4787185).

Gascho (figure 4) shows a casing system comprising a generally flat first casing piece (top part) having an outer face (59), an inner face, a pair of linear side edges (where 70 is and the opposite side thereof) and a pair of linear end edges (the end faces of the top part), at least one of the linear side edge and at least one of the linear end edges being provided with a continuous decorative profile, a second piece (figure 4, the part as indicated by 54) having an outer face, an inner face, a pair of linear side edges and a pair of linear end edges, at least one of the linear end edges being provided with a reverse image of the continuous decorative profile (the reverse image of a flat surface is also a flat surface), both of the linear side edges of the first piece is provided with the decorative profile, both of the end edges of the first piece being provided with the decorative profile, at least one linear edges of the second piece being provided with the decorative profile, both of the linear end edges of the second piece being provided with the

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reverse image of the decorative profile, the decorative profile comprising a sloping surface (figure 2 shows the sloping surfaces per 22 and 18) extending from the upper surface to the lower surface in at least two stages, each stage of the sloping surface comprising a profile that is a convex profile and a straight linear profile, at least one additional first casing piece and at least one additional second casing piece.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh.

Pugh shows all the claimed limitations except for an instruction for assembling the parts to form a casing.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pugh to show an instruction for assembling the parts to form a casing because it is well known in the art to provide instructions for assembling and installing parts on site as such practice would allow users to easily assemble parts together.

***Response to Arguments***

6. Applicant's arguments filed 5/8/06 to claims 1-16 have been fully considered but they are not persuasive.

In response to applicant's argument that the references are not applicable as the floor tiles are not for covering the gaps between vertical wall and frameworks of doors or windows installed

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therein, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The argument is thus moot.

Claims 1-15 are under 102 rejections, the references meet the structural limitations as claimed, and the references' teachings are capable of performing the intended use. The references thus meet the claimed limitations. The argument is thus moot.

With respect to applicant's statement that Gascho's features are not decorative, examiner respectfully sets forth that the ripples feature disclosed by Gascho is decorative; furthermore, whether or not a feature is "decorative" is subjected to a person's opinion, and many people would have many opinions of what would be considered "decorative". The argument is thus moot.

With respect to the added language of "adapted to.....", the added language does not add any claimed structural limitation to the claims. The claims are thus still rejectable by the references. The argument is thus moot.

With respect to claim 16, applicant states that a person of ordinary skill in the art would not be motivated by the disclosure of Pugh to refer to instructions for assembling and installing floor tiles for guidance on assembly and installation of casing pieces to cover gaps between vertical wall structures and frameworks of doors or windows installed therein, examiner respectfully set forth that claim 16 asks for instructions for assembly of the parts to form a casing. The claimed language does not require that the instructions being for assembling and installing floor tiles for guidance on assembly and installation of casing pieces to cover gaps

between vertical wall structures and frameworks of doors or windows installed therein. Rather the language just requires an instruction for assembly of the parts, and Pugh as modified shows an instruction for the assembly of parts shown by Pugh. The modification thus meets the limitations as claimed. The argument is thus moot.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a series of loops and a large circular flourish at the end.

Phi Dieu Tran A

7/12/06